

REMARKS

In the office action, the Examiner commented that he was unsure of what claims should be examined. To clarify, the claims to be examined in this Amendment are Claims 50-85, 87-91, 102, and newly added Claims 103, 104 and 105.

5 The major change to the claims in this Amendment is the revision of Claim 102 to combine what was formerly two separate sections, a thigh section (iii), and a calves section (iv), into a combined thigh/calve section (iii). The reason for this is that the two sections can be locked together and considered to be a unitary section, as shown in FIGS. 2, 5, 6, 7, 8 and 9. Alternatively, they can be moved independently of one another (See FIGS. 3 and 4), and so applicant has added Claim 103
10 to take this into consideration.

Claims 104 and 105 spell out the support mechanism for the thigh/calves section. The basis for these claims are found in FIGS. 2, 3, 4, 5, 6 and 7.

Claims 50, 61, and 88, have been modified so as to make them dependent of newly added Claim 103, rather than Claim 102.

15 **Claim Objections**

The Examiner has objected to claims 50-91 and 102 because of various informalities. Appropriate correction has been made.

Rejection Under 35 USC Sec. 112.

20 Claims 50-91, and 102 have been rejected under 35 USC Sec. 112, first paragraph, as based on a disclosure that is not enabling. It is the Examiner's position that the bar/linkage structure shown in Figure 1 behind the back section; the relationship between actuator (17) depicted in FIG. 3 to maneuver thigh and calve sections and the actuator (17) depicted in FIG. 8 and the linear actuator (17) described at page 13 of the specification are not enabled by the disclosure.

Applicant disagrees with the Examiner's conclusions for the following reasons.

The bar linkage shown behind the back section is that of an adjustable lumbar support showing "L" shaped arms (rear one is hidden behind shown one with a round pipe secured between the two) that pivots about the shown pin at the apex of the "L" and an actuator that will rotate that bar to push the mattress outward from the base surface to provide lower back support by arching the spine. It is shown here with the linear actuator slightly retracted. A person skilled in the mechanical arts would immediately recognize the mechanical schematic configuration.

FIGS. 3 and 8 show the four pivot points and 2 arms configured to raise and lower the buttocks section in relation to the linear actuator. Most of the description and detail refer to the cams that move the peripheral frame 25. Applicant is not pursuing the collapsible box spring but prefers to bevel the foot edge of the bed. A person skilled in the art of mechanics can easily determine the resulting movement of the pictorial configuration without any verbal description. FIGS. 9 and 10 also shows the resulting movement of the buttocks section with the linear actuator extended and the various extension lengths pertaining to each resultant position.

FIG. 13 and the description of page 13 further describes a more complicated linear actuator 17 in terms of it's individual components such as the threaded rod 33 rotated by linear actuator drive motor 40 and the other components 34, 35, 36, 37, 38 and 39. They are standard components of a linear actuator and a person skilled with linear actuators would immediately realize the function and configuration of this type of actuator from the drawing and written description.

Claim Rejections under 35 USC § 102

Claims 50-91, and 102 have been rejected under 35 USC 102 (b) as being anticipated by either Uchida, et al. (US 6272702) or Hanson, et. al. (US 6315319). It is the Examiner's position that both documents disclose a multi-position reclining bed having the elements of applicant's claimed bed. Applicant respectfully disagrees.

Hanson, et al. discloses a chair for transporting a patient that converts between a chair and a table.

Uchida, et al. discloses a multifunction bed that can be changed between a bed form and a wheel chair form using simple operations.

The differences between these two references and applicant's bed are many, but a major difference is that applicant's bed is what is termed a "wall hugger" bed where the back section, when raised or lowered, is configured to move in a vertical plane in a manner such that when it is raised or lowered, the end section of the back support remains substantially the same distance from an adjacent wall. That is how the term "wall hugger" was derived. Thus, the end portion of the back section moves in a 90 degree vertical plane when raised or lowered.

The back rest section 19 of Uchida moves in a vertical plane, but the movement is arcuate. It would be impossible for the back rest section to maintain the same distance from a wall when being raised or lowered.

The same can be said of the back support 424 in FIG. 16 of Hanson, et al. The movement of the back support is arcuate, not vertical.

The significance of this is that the vertical movement of the back section of applicant's bed permits the outer end of the back section of the bed to be positioned against a wall, and maintained in close proximity to the the wall when the back section is raised or lowered. This is a major and patentable distinction, as compared to the prior art.

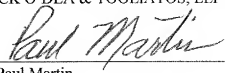
SUMMARY

Applicant has amended the claims to overcome the objections of the examiner, and presented arguments to delineate the present invention from the devices shown in the prior art. It is respectfully submitted that the claims are in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

RANDICK O'DEA & TOOLIATOS, LLP

By:


Paul Martin
USPTO Reg. No. 24593
Patent Counsel for Applicant

5000 Hopyard Road, Ste. 400
Pleasanton, CA 94588
Phone: (925) 460-3700